

JAN 28 2009

Application No. 10/561,144
Amendment dated January 28, 2009
After Final Office Action of August 5, 2008

2

Docket No.: 64656(46590)

AMENDMENTS TO THE CLAIMS

Applicants respectfully request that the application be amended without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows.

1. (Withdrawn): A protein comprising the same or substantially the same amino acid sequence as the amino acid sequence starting at Amino Acid No.1 in the amino acid sequence shown by SEQ ID NO:2 or 4 or a salt thereof.

2. (Withdrawn): The protein of claim 1, which comprises the same or substantially the same amino acid sequence as the amino acid sequence starting at Amino Acid No.1 in the amino acid sequence shown by SEQ ID NO:2 or 4 or a salt thereof.

3. (Withdrawn): A partial peptide of the protein of claim 1 or a salt thereof.

4. (Withdrawn): A nucleic acid comprising a base sequence encoding the protein of claim 1.

5. (Withdrawn): The nucleic acid of claim 4, which comprises the base sequence starting at Base No.88 in the base sequence shown by SEQ ID NO:1 or 3 (if the nucleic acid is an RNA, however, the base shown by the symbol t in the base sequence is replaced with uridine).

6. (Withdrawn): A nucleic acid comprising a base sequence encoding a polypeptide comprising the same or substantially the same amino acid sequence as the amino acid sequence shown by SEQ ID NO:2 or 4, or a portion thereof.

7. (Withdrawn): A recombination vector comprising the nucleic acid of claim 4.

BOS2 702388.1

Application No. 10/561,144
Amendment dated January 28, 2009
After Final Office Action of August 5, 2008

3

Docket No.: 64656(46590)

8. (Withdrawn): A transformant obtained by transforming a host cell with the recombination vector of claim 7.

9. (Withdrawn): A method of producing the protein of claim 1 or a salt thereof, which comprises culturing the transformant of claim 8 to produce the protein or a salt thereof.

10. (Withdrawn): A pharmaceutical containing the protein of claim 1 or the partial peptide of claim 3 or a salt thereof.

11. (Withdrawn): A pharmaceutical containing the nucleic acid of claim 4.

12. (Withdrawn): The pharmaceutical of claim 10 or 11, which is a prophylactic/therapeutic agent for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality.

13. (Withdrawn): The pharmaceutical of claim 12, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

14. (Withdrawn): A prophylactic/therapeutic method for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises administering an effective amount of the protein of claim 1, the partial peptide of claim 3 or a salt thereof, or the nucleic acid of claim 4, to a mammal.

15. (Withdrawn): The method of claim 14, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

Claims 16-17 (Canceled).

18. (Withdrawn): A diagnostic reagent containing the nucleic acid of claim 6.

19. (Withdrawn): An antibody against the protein of claim 1 or the partial peptide of claim 3 or a salt thereof.

20. (Withdrawn): A diagnostic reagent containing the antibody of claim 19.

BOS2 702388.1

Application No. 10/561,144
Amendment dated January 28, 2009
After Final Office Action of August 5, 2008

4

Docket No.: 64656(46590)

21. (Withdrawn): The diagnostic reagent of claim 18 or 20, which is for diagnosing a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality.

22. (Withdrawn): A pharmaceutical containing the antibody of claim 19.

23. (Withdrawn): A nucleic acid comprising a base sequence complementary to the base sequence encoding a polypeptide comprising the same or substantially the same amino acid sequence as the amino acid sequence shown by SEQ ID NO:2 or 4, or a portion thereof.

24. (Withdrawn): A pharmaceutical containing the nucleic acid of claim 23.

25. (Withdrawn): The pharmaceutical of claim 22 or 24, which is a prophylactic/therapeutic agent for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality.

26. (Withdrawn): The pharmaceutical of claim 25, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

27. (Withdrawn): A prophylactic/therapeutic method for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises administering an effective amount of the antibody of claim 19 or the nucleic acid of claim 23 to a mammal.

28. (Withdrawn): The method of claim 27, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

Claims 29-30. (Canceled).

31. (Currently amended): A screening method for a prophylactic/therapeutic substance for a ~~disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality~~ disease associated with abnormal differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises bringing a protein, or a salt thereof, comprising an amino acid sequence having an identity of 80% or more to the

BOS2 702388.1

Application No. 10/561,144
Amendment dated January 28, 2009
After Final Office Action of August 5, 2008

5

Docket No.: 64656(46590)

~~amino acid sequence starting at Amino Acid No. 1 in the amino acid sequence shown by SEQ ID NO: 2 or 4, the amino acid sequence starting at amino acid No. 1 in the amino acid sequence shown by SEQ ID NO: 2 or 4 into contact with its receptor in the presence or absence of a test substance, and selecting the test substance that changes the ability of said protein or salt thereof to bind to said receptor as a candidate for a prophylactic/therapeutic substance for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality~~
abnormality disease associated with abnormal differentiation of skeletal muscle cell and/or metabolic abnormality.

32. (Original): The screening method of claim 31, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

33. (Withdrawn): A screening kit for a prophylactic/therapeutic substance for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises the protein of claim 1 or the partial peptide of claim 3 or a salt thereof.

34. (Withdrawn): The screening kit of claim 33, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

35. (Withdrawn): A screening method for a prophylactic/therapeutic substance for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises using the nucleic acid of claim 4.

36. (Withdrawn): The screening method of claim 35, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

37. (Withdrawn): A screening kit for a prophylactic/therapeutic substance for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises the nucleic acid of claim 4.

38. (Withdrawn): The screening kit of claim 37, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

Claims 39-40 (Canceled).

BOS2 702388.1

Application No. 10/561,144
Amendment dated January 28, 2009
After Final Office Action of August 5, 2008

6

Docket No.: 64656(46590)

41. (Withdrawn): A prophylactic/therapeutic method for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises administering an effective amount of a regulator of the protein of claim 1 or a salt thereof to a mammal.

42. (Withdrawn): The method of claim 41, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

Claims 43-44. (Canceled).

45. (Withdrawn): A screening method for a prophylactic/therapeutic substance for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises using the antibody of claim 19.

46. (Withdrawn): The method of claim 45, which comprises bringing a cell producing the protein of claim 1 or the partial peptide of claim 3 or a salt thereof into contact with a test compound and determining a production amount of the protein or the partial peptide or the salt thereof by the cell.

47. (Withdrawn): The method of claim 46, which comprises determining the extracellular amount of the protein of claim 1 or the partial peptide of claim 3 or the salt thereof.

48. (Withdrawn): The method of claim 45, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

49. (Withdrawn): A screening kit for a prophylactic/therapeutic substance for a disease involved in differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises the antibody of claim 19.

50. (Withdrawn): The kit of claim 49, which further comprises a cell producing the protein of claim 1 or the partial peptide of claim 3 or a salt thereof.

51. (Withdrawn): The kit of claim 49, wherein the metabolic abnormality is a sugar/lipid metabolic abnormality.

BOS2 7023RR.1

Application No. 10/561,144
Amendment dated January 28, 2009
After Final Office Action of August 5, 2008

7

Docket No.: 64656(46590)

52. (Previously Presented): The screening method of claim 31, wherein the protein comprises an amino acid sequence having an identity of 90% or more to the amino acid sequence starting at Amino Acid No. 1 in the amino acid sequence shown by SEQ ID NO:2 or 4.

53. (Previously Presented): The screening method of claim 31, wherein the protein comprises the amino acid sequence starting at Amino Acid No. 1 in the amino acid sequence shown by SEQ ID NO:2 or 4.

54. (Previously Presented): The screening method of claim 31, wherein the disease is obesity, diabetes mellitus, impaired glucose tolerance, arteriosclerosis, hypertension or hyperlipemia.

55. (New): A screening method for a prophylactic/therapeutic substance for a disease associated with abnormal differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises 1) bringing a protein, or a salt thereof, comprising an amino acid sequence having an identity of the amino acid sequence starting at amino acid No.1 in the amino acid sequence shown by SEQ ID NO: 2 or 4 into contact with its receptor in the presence or absence of a test substance, and 2) selecting the test substance that changes the ability of said protein or salt thereof to bind to said receptor as a candidate for a prophylactic/therapeutic substance for a disease associated with abnormal differentiation of skeletal muscle cell and/or metabolic abnormality and 3) confirming that the test substance does change the ability of the protein to bind to its receptor by demonstrating that sugar uptake is suppressed under insulin stimulation in skeletal muscle cells.

56. (New): A screening method for a prophylactic/therapeutic substance for a disease associated with abnormal differentiation of skeletal muscle cell and/or metabolic abnormality, which comprises 1) bringing a protein, or a salt thereof, comprising an amino acid sequence having an identity of the amino acid sequence starting at amino acid No.1 in the amino acid sequence shown by SEQ ID NO: 2 or 4 into contact with its receptor in the presence or absence of a test substance, and 2) selecting the test substance that changes the ability of said protein or salt thereof to bind to said receptor

BOS2 702388.1

Application No. 10/561,144
Amendment dated January 28, 2009
After Final Office Action of August 5, 2008

8

Docket No.: 64656(46590)

as a candidate for a prophylactic/therapeutic substance for a disease associated with abnormal differentiation of skeletal muscle cell and/or metabolic abnormality and 3) confirming that the test substance does change the ability of the protein to bind to its receptor by demonstrating that glycogen synthesis is suppressed in skeletal muscle cells.

BOS2 702388.1